

**AMENDMENTS TO THE CLAIMS:**

The following listing of claims replaces all prior versions of the claims:

1. (Currently Amended) A disk kind identifying method that identifies a DVD-RW or a DVD+RW, comprising steps of:

(a) detecting a wobble signal recorded on a recording surface of a disk;

(b) detecting a reproducing signal recorded on a recording surface of the disk;

(c) determining whether a cycle of the detected wobble signal is 186 times or 32 times as long as a data cycle, by comparing using the cycle of the detected wobble signal [[to]] and a cycle of the reproducing signal; and

(d) identifying, when the cycle of the wobble signal is 186 times, a kind of said disk as the DVD-RW and, when the cycle of the wobble signal is 32 times, the kind of said disk as the DVD+RW,

wherein the DVD-RW and the DVD+RW have a same track pitch.

2. (Currently Amended) A disk apparatus which identifies a DVD-RW or a DVD+RW and executes recording and reproducing depending upon a kind of an identified disk, comprising:

a detector for detecting a wobble signal and a reproducing signal recorded on a recording surface of said disk;

a determiner for determining whether a cycle of the wobble signal detected by said detector is 186 times or 32 times as long as a data cycle, by comparing using the cycle of the wobble signal [[to]] and a cycle of the reproduced signal, and

an identifier for identifying, when the cycle of the wobble signal is 186 times, the kind of said disk as the DVD-RW and, when the cycle of the wobble signal is 32 times, the kind of said disk as the DVD+RW,  
wherein the DVD-RW and the DVD+RW have a same track pitch.